

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Case No. 3:12cv308-MR
[Criminal Case No. 3:07cr211-MR-1]**

MICHAEL D. PAHUTSKI,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Motion of the Government [Doc. 6] that includes a motion to allow additional response.

After conducting an initial review of Petitioner's Section 2255 motion, the Court entered an Order pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings requiring the Government to respond to the motion within 45 days from entry of the Order. [Doc. 2]. The Government filed a timely response and moved to dismiss the Section 2255 motion on the ground that Petitioner had not signed it under penalty of perjury. [Doc. 6]. In the alternative, the Government moved that the Court order Petitioner to submit an amended Section 2255 motion that was executed under penalty of perjury. In the event that the Court allowed Petitioner an opportunity to file an

amended motion, the Government further requested leave to file an additional response responding to Petitioner's amended pleadings. [See Doc. 6 at 3].

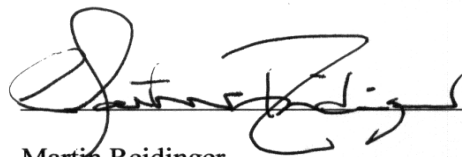
On August 30, 2012, the Court entered an Order requiring Petitioner to resubmit the Section 2255 motion under penalty of perjury within 30 days or risk a certain dismissal of the action. [Doc. 8]. Petitioner filed an Amended Section 2255 motion on September 24, 2012. [Doc. 9].

After reviewing the 73 pages of Petitioner's Section 2255 motion, the Court finds that on page 72 the Petitioner did in fact sign his resubmitted petition under penalty of perjury. [Doc. 9 at 72]. The Court therefore finds that Petitioner has complied with the Court's prior Order. In light of Petitioner's amended filing, the Court will allow the Government forty-five (45) days to file an additional response addressing Petitioner's amended motion.

IT IS, THEREFORE, ORDERED that the Government's request to be allowed additional response to the Petitioner's amended pleadings is **GRANTED** and the Government shall have forty-five (45) days from entry of this Order to file an answer or response to Petitioner's Amended Section 2255 motion.

Signed: September 27, 2012

IT IS SO ORDERED.


Martin Reidinger
United States District Judge 